

AMENDED

ASSIGNED
No. 67744

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JUL 06 2001

Returned to applicant for correction AUG 01 2001

Corrected application filed AUG 13 2001

Map filed FEB 02 2001 under 67182

The applicant **F. R. Breen** hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion** of water heretofore appropriated under **Claim No. 218 of the Truckee River Decree**, said decree entered by the District Court of the United States in and for the District of Nevada that certain action entitled "The United States of America, Plaintiff vs Orr Ditch Company, etal, Defendant" in Equity Docket A-3

1. The source of water is **Truckee River**
2. The amount of water to be changed **Proportionate share of the diversion rate – 8.0 acre feet/annum**
3. The water to be used for **As Decreed Purposes**
4. The water heretofore permitted for **As Decreed Purposes**
5. The water is to be diverted at the following point w/in NE¼ SW¼ Section 31 T19N, R18E, MDM or at a point from with the SE corner of said Section 31 bears S 62 degrees 04 minutes E, a distance of 3,195 feet, the Steamboat Ditch – Refer to map filed under Application 58679.
6. The existing permitted point of diversion is located within w/in NE¼ NW¼ of Section 19 T19N, R19E, MDM or at a point from which the NE corner of said Section 19 bears S 88 degrees 05 minutes E, a distance of 2,620 feet. Lake Ditch per Orr Ditch Decree aka Truckee River Decree
7. Proposed place of use **4.02 parcel w/in the NE¼ NW¼ and the NW¼ NE¼ of Section 2 T18N, R19E, MDM known as Washoe County Assessors Parcel No. 222-060-20. Refer to Map TR-022**
8. Existing place of use **2.133 acres w/in the SE¼ SE¼ of Section 1 T18N, R19E, MDM, also known as a portion of Washoe County Assessors Parcel No. 40-640-01. Refer to map TR-010**
9. Use will be from **As Decreed to As Decreed** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Existing Steamboat Ditch diversion dam, headgate and ditch system to place of use**
12. Estimated cost of works **None - existing**
13. Estimated time required to construct works **None - existing**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks:

By s/Michael D. Buschelman
Michael D. Buschelman
Post Office Box 51371
Sparks, Nevada 89435

Compared my/CMF lt/sam

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of the Truckee River as heretofore granted under Claim 218. Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.044 cubic feet per second, but not to exceed 8.00 acre-feet as decreed and not to exceed 4.0 acre-feet per acre from any/all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

January 11, 2006

Proof of completion of work shall be filed before:

February 11, 2006

Water must be placed to beneficial use on or before:

January 11, 2010

Proof of the application of water to beneficial use shall be filed on or before:

February 11, 2010

Map in support of proof of beneficial use shall be filed on or before:

February 11, 2010

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

11th day of January A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____